

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALAN D. JACOVINO,

Plaintiff,

-v-

No. 16-CV-3187-LTS-HBP

NANCY A. BERRYHILL, Commissioner of  
Social Security,

Defendant.

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ORDER

Plaintiff Alan D. Jacovino (“Plaintiff”) brings this action pursuant to 42 U.S.C. § 405(g) seeking review of a final decision of the Commissioner of the Social Security Administration (the “Commissioner”) denying his application for disability insurance benefits and supplemental secure income. (See docket entry no. 1.) Both Plaintiff and the Commissioner subsequently moved for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). (Docket entry nos. 16, 19.) On December 22, 2017, Magistrate Judge Henry B. Pitman issued a Report and Recommendation (docket entry no. 25, the “Report”) recommending that Plaintiff’s motion be granted and the Commissioner’s motion be denied. No objections to the Report have been filed by either party.

When reviewing a report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.S. § 636(b)(1)(C) (LexisNexis 2016). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself

that there is no clear error on the face of the record.” Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted).

Having reviewed Magistrate Judge Pitman’s thorough and well-reasoned Report, to which no objection has been made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. Accordingly, the Court grants Plaintiff’s motion for judgment on the pleadings, reverses the decision of the Commissioner, and remands this case to the Social Security Administration pursuant to sentence four of section 405(g) for further proceedings consistent with Judge Pitman’s Report. The Court also denies the Commissioner’s motion for judgment on the pleadings. This Order resolves docket entry nos. 16 and 19. The Clerk of Court is requested to enter judgment accordingly.

SO ORDERED.

Dated: New York, New York  
January 26, 2018

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge